

ATTORNEY DOCKET  
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PATENT APPLICATION  
10/751,612

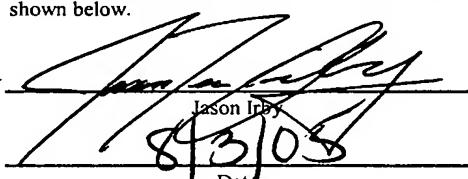
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T. Erik Mirkov et al.  
Serial No.: 10/751,612  
Date Filed: January 5, 2004  
Group Art Unit: 1638  
Examiner: Elixabeth McElwain  
Title: **STEM-REGULATED, PLANT DEFENSE  
PROMOTER AND USES THEREOF IN TISSUE-  
SPECIFIC EXPRESSION IN MONOCOTS**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as Express Mail No. EV351258052US addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

  
Jason Irby  
8/3/05  
Date

Dear Sir or Madam:

**INFORMATION DISCLOSURE STATEMENT**

Applicants respectfully request, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publication cited on the attached PTO Form 1449 is not being submitted with this Information Disclosure Statement pursuant to the July 11, 2003 waiver of 37 C.F.R. §1.98(A)(2)(i) by the U.S. Patent and Trademark Office.

Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that these references are material to the patentability of the present application.

Applicants believe no fees are due however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P. in order to effectuate this filing.

Respectfully submitted,

BAKER BOTT S L.L.P.  
Attorneys for Applicants



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PTO-1449 <b>Information Disclosure Citation</b> <small>PATENT &amp; TRADEMARK OFFICE</small> <small>U.S. PATENT AND TRADEMARK OFFICE</small>	Application No.	Applicant(s)		
	10/751,612	T. Erik Mirkov et al.		
	Docket Number	Group Art Unit	Filing Date	
	017575.0774	1638	January 5, 2004	

#### U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	64516401	9/17/02	Flinn et al.	435	468	6/4/99
B.						
C.						
D.						
E.						
F.						
G.						
H.						
I.						
J.						
K.						
L.						
M.						
N.						

#### FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
O.	0118211	3/15/01	WO	C12N	15/29	X
P.						

#### NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
Q.	Kim, Younghee et al., "A 20 nucleotide upstream element is essential for the nopaline synthase (nos) promoter activity," Plant Molecular Biology, Vol. 24, pgs. 105-117	1994
R.	Bildodeau, Pierre et al., "Far upstream activating promoter regions are responsible for expression of the BnC1 cruciferin gene from Brassica napus," Plant Cell Reports, Vol. 14, pgs. 125-130	1994
S.	Kim, Seong-Ryong, "Identification of Methyl Jasmonate and Salicylic Acid Response Elements from the Nopaline Synthase (nos) Promoter," Plant Physiol, Vol 103, pgs. 97-103	1993
T.	Baldwin, Don et al., "A comparison of gel-based nylon filter and microarray techniques to detect differential RNA expression in plants," Current Opinion in Plant Biology, Vol 2, pgs 96-103	1999
U.	PCT International Search Report PCT/US04/00115, 7 pages	Mailing Date 1/5/04

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.